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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,192	06/26/2001	Charles J. Rogers	2316.1497US01	9715
23552	7590	12/15/2003	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, SANG H	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,192	Applicant(s) ROGERS ET AL.	
	Examiner Sang H Nguyen	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19 is/are rejected.
- 7) ☒ Claim(s) 20-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>08/26/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-8 and 19-27) filed on 10/08/03 is acknowledged.

Applicant is required to cancel the none-elected claims 9-18 and 28.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeyama (U.S. Patent No. 5,467,023) in view of Chivers (U.S. Patent No. 5,459,564).

Regarding claims 1-2, 4-8, and 19 Takeyama discloses a kit and a method for inspecting an end surface of an optical connector, comprising:

- an inspection machine considered to be a connector inspection apparatus (D1 of figure 3) having an aperture connector consider to be an inspection portion (50 of figure 3) and a plate considered to be an upper guide (502 of figure 3) for attaching to the top of the inspection portion (50 of figure 3), wherein the aperture connector (50 of figure 3) of the inspection machine (D1 of figure 3) for inserting the end surface of optical connector (C1 of figure 3) into the aperture connector (50 of figure 3) of inspecting machine (D1 of figure 3) and the plate (502 of figure 3) having an edge of a receiving void (figure 3); and
- a cage member considered to be a receiving portion (40 of figure 3) arranged for receiving the optical connector (C1 of figure 3), wherein the cage member (40 of figure 3) having an extending flange considered to be a U-shape of a size regulating member (60 of figure 3) for projecting the optical connector (C1 of figure 3) into a window (501 of figure 3) of the inspection portion (50 of figure 3) by receiving void of the plate (502 of figure 3) for attaching to the top of the inspection portion (50 of figure 3) . See figures 1-10.

Takeyama teaches all of features in claimed invention except for the connector having a housing for holding an optical ferrule with optical fiber. However, Chivers teaches that it is known in the art to provide the optical connector (67 of figure 3D) having a housing (figure 3B and 3D) for holding an optical ferrule (72 of figure 3D) with optical fiber (68 of figure 3D). See figures 3A-3D. Further, the recitation that "the

connector having a housing for holding an optical ferrule with optical fiber" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim following the preamble is self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a kit and a method for inspecting an end surface of an optical connector of Takeyama with for the connector having a housing for holding an optical ferrule with optical fiber as taught by Chivers for the purpose of accuracy testing and /or inspecting of end surfaces of optical fibers and optical connectors in order to appreciable losses in light transmission between the optical connectors.

Regarding claim 3; Takeyama discloses all of features in claimed invention except for a first width of void of plate being no more than 0.25 % larger than a second width of flange of cage member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a kit and a method for inspecting an end surface of an optical connector of Takeyama with the first width of void of plate being no more than 0.25 % larger than the second width of flange of cage member, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In *re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA).

Allowable Subject Matter

Claims 20-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record, taken alone or in combination, fails to disclose or render obvious a kit and method for inspecting an end surface of an optical connector comprising all the specific elements with the specific combination including of the receiving void comprises a slot having a first and a second sides and an end edge, wherein the first and second sides being perpendicular to the plate edge and the end edge extending between the first and second sides, and the end edge being spaced from the plate edge by at least 0.1 inch in combination with the rest of the limitations of claims 1 and 19.

Claims 26-27 allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saijo et al (5,455,515) discloses connector inspecting device; Hug et al (4,933,816) discloses inspection/detection system with a light module for use in forensic applications; Kinoshita (EP 0 485 629) discloses method and device for testing multi-core optical fiber cable fitted with optical connector; Umeda et al (JP 08 278 108) discloses optical fiber holding mechanism for optical fiber connector end face inspection device; Shibano (JP 05 118 831) discloses end face inspecting apparatus for optical connector; or Masuda et al (JP 11 002 738) discloses inspecting method for connector end surface.

Art Unit: 2877

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Sang Nguyen whose telephone number (703) 308-6426. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

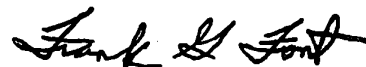
If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Mr. Frank Font, can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 or 7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SN

Nguyen/ sn

November 20, 2003



Frank G. Font
Supervisory Patent Examiner
Art Unit 2877
Technology Center 2800